

JUL 29 2019

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Alejandro Cruz

PRINCIPAL

Case Number:

YOB:

1967

M-19- 1774 -M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 27, 2019 in Starr County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Nanci Lizeth Hernandez-Mejia, a citizen and national of Honduras, and Henry Homar Gahui-Roto, a citizen and national of Ecuador, along with six (6) other undocumented aliens, for a total of eight (8), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Escobares, Texas to the point of arrest near Escobares, Texas, by means of a motor vehicle

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On July 27, 2019, Border Patrol Agents were conducting surveillance in Escobares, Texas when an agent, by the Rio Grande River, observed approximately 12 subjects crossing from Mexico into the United States on a raft. After the subjects crossed, the agent heard the doors of a vehicle open and then close. The agent requested backup and informed agents of the activity. A second agent then reported a maroon Chevrolet Tahoe leaving the area, at a high rate of speed, from the area the subjects were observed crossing.

Mobile agents responding to the area were informed the Tahoe made a u turn and was heading back towards the river. Mobile Agents made their way towards the river bank and encountered the Tahoe. The Tahoe was reversing but stopped when it observed the agents.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Approved AUSA LAURA GARCIA

☒ Yes ☐ No

Signature of Complainant

Ernie E. Bergollo Border Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 29, 2019

Date

8:55 PM at

McAllen, Texas

City and State

Peter E. Ormsby

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-19-                      -M**

**RE:        Alejandro Cruz**

**CONTINUATION:**

The agents made contact with the driver of the Tahoe and discovered he was the only occupant. During this time, agents discovered foot sign by the Tahoe leading towards the river. Additional agents arrived on scene and conducted a search of the area. With the assistance of a boat unit the agents apprehended eight (8) undocumented aliens by the river bank, approximately 30 feet from the Tahoe.

The driver, later identified as Alejandro Cruz, a United States Citizen, and the eight (8) undocumented aliens were all transported to the Rio Grande City Station for processing.

**Principal Statement**

Alejandro Cruz was read his Miranda Rights. He understood his rights and provided a sworn statement.

Cruz stated he was driving a maroon Tahoe that belongs to the ranch where he works. Cruz claimed he has been working for this ranch a week. Cruz was in the area planning to cut tree trunks and go fishing. According to Cruz, he was not picking up illegal aliens.

**Material Witnesses**

Nanci Lizeth Hernandez-Mejia and Henry Homar Gahui-Roto were read their Miranda Rights. Both understood their rights and each provided a sworn statement.

Hernandez, a citizen of Honduras, stated she made her smuggling arrangements for \$5,000. Hernandez crossed the Rio Grande River on a raft with about seven other people. After crossing, the rafter who brought them across told her to board into a waiting truck. Hernandez described the truck as enclosed, with a cargo area and red wine in color. Hernandez boarded the truck and laid down in the cargo area. The vehicle briefly drove off, then Hernandez felt the truck make a u turn and then return to the riverbank. Hernandez heard someone in the truck say to get down so everyone got off running.

Gahui, a citizen of Ecuador, stated his father made the smuggling arrangements and doesn't know the cost. Gahui crossed into the United States on a raft with six other people. Gahui was told, by a guide, a truck would be picking them up. According to Gahui, a truck showed up and the driver told them to get on quickly. Gahui described the truck as enclosed and dark red in color. Gahui boarded the truck with the others and they left but then the vehicle turned around and went back. After the truck stopped, the driver opened the doors and told them to escape, so everyone ran.

Gahui identified Alejandro Cruz, through a photo lineup, as the driver of the dark red truck.